

Service Date: December 8, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER OF the Investigation)	UTILITY DIVISION
Into Qwest Corporation's)	
Compliance with Section 271 of the)	DOCKET NO. D2000.5.70
Telecommunications Act of 1996)	ORDER NO. 6254b

AMENDED PROCEDURAL ORDER AND SCHEDULE

Introduction

1. On June 27, 2000, the Montana Public Service Commission (Commission) issued Procedural Order No. 6254 in this docket, describing briefly the scope of the docket, the details of the collaborative process, and establishing a procedural schedule. The procedural schedule was modified by staff action on September 14, 2000.

2. At Workshop Number 1 in Salt Lake City, October 3-6, 2000, it became apparent that the scope of the collaborative workshops needed to be clarified. It also became apparent that several additional workshop sessions would be necessary to cover the checklist issues. In response the Commission issues this amended order and schedule.

Scope of Collaborative Workshops

3. At the October workshop certain CLEC participants (AT&T in particular, but others as well) indicated their understanding that state specific concerns about Qwest compliance with checklist items would be addressed in separate hearings in each state. After extensive workshop discussion on this point, and after discussion with staff of participating Commissions, workshop facilitator John Antonuk verbally informed participants that it was the understanding of participating Commissions that all CLEC concerns, state specific and otherwise, should be set forth on the workshop record. He further indicated that CLECs that withhold state specific concerns and evidence, expecting an opportunity to express such concerns at individual state hearings, may lose the opportunity to get those concerns on the record.

4. On November 2, 2000 Mr. Antonuk issued a written "Ruling on Submission of State-Specific Information," (Ruling) in which he carefully reiterated and explained his verbal ruling at the October workshop. On November 10, 2000, AT&T, in the form of a letter to Mr. Antonuk, objected to the Ruling and indicated that it will not participate in a follow-up

session to Workshop 1 that will address state-specific issues. The Commission has considered both the Ruing and the response.

5. AT&T indicates that the Ruling is inconsistent with its understanding that the intent of the collaborative process was "one of coordinating resources such that issues common to all states could be aired and decided." AT&T acknowledges that Procedural Order No. 6254 was not clear, but believes the Montana Commission "contemplated that the multi-state process would be most efficient if subsequent proceedings were held in [Montana] on state-specific issues."

6. The Commission has reviewed Procedural Order No. 6254 and finds that it neither implicitly nor explicitly indicates that Montana specific 271 issues will be reserved to a hearing before the Montana Commission at the conclusion of the collaborative workshops. Neither, of course, does Order No. 6254 state specifically that all state specific issues must be brought to the workshops. The matter is unclear, giving rise to a misunderstanding by AT&T and others, and requiring the clarifying Ruling and this Order.

7. The Commission adopts the Ruling by reference in its entirety (the Ruling is attached).

Amended Schedule

8. A second amended procedural schedule is approved and attached.

DONE AND DATED this 3rd day of December, 2000, by delegation to
Commission staff as the Order of the Montana Public Service Commission.

BY THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chairman
NANCY MCCAFFREE, Vice Chair
BOB ANDERSON, Commissioner
GARY FELAND, Commissioner
BOB ROWE, Commissioner

ATTACHMENT ☐A☐**AMENDED PROCEDURAL SCHEDULE**Docket No. D2000.5.70, Order No.6254b**Deadline*****Action**

June 9, 2000

Qwest will file Statements of Generally Available Terms and Conditions (SGAT) in each of the participating states and an overview of its entire 271 case, including the to greatest extent possible, identifying all evidence it intends to produce to support its case that it is now in compliance with section 271.

June 2000

The Commissions retain the Outside Consultant.

July 14, 2000

Qwest Overview of Entire 271 Case

Filing/Comments on Checklist Item Numbers. 3, 7, 8, 9, 10 and 12:

September 5, 2000

Qwest's Direct Testimony

October 13, 2000

Participant Comments

November 3, 2000

All Parties Rebuttal Comments

Filing of joint resolution or staff report

Workshop Number 1:

Subject: Checklist Item Numbers 1 (interconnection and collocation), 11 (number portability), 13 (reciprocal compensation) and 14 (resale) as well as Section 272.

July 31, 2000

Qwest's Direct Testimony

September 5, 2000

Participant Responsive Testimony

September 18, 2000

All Parties Rebuttal Testimony

October 3-6, 2000

Workshop Dates, Salt Lake City, Utah

Workshop Number 1 – Second Session:

Subject: Unfinished Items from the first session.

December 18-20, 2000

Workshop Dates, Denver, Colorado

Workshop Number 2:

Subject: Emerging Services including Line Sharing, Checklist Item Number 5, including Dark Fiber, Subloop Unbundling, Packet Switching

November 20, 2000	Qwest's Direct Testimony
December 20, 2000	Participant Responsive Testimony
January 5, 2001	All Parties Rebuttal Testimony
January 16-19, 2001	Workshop Dates, Boise, Idaho

Workshop Number 1 – Third Session:

Subject: CLEC Specific Information on All Workshop 1 Issues

January 9, 2001	Participant Testimony
February 5, 2001	Qwest Response Testimony
February 19, 2001	Participant Rebuttal Testimony
February 27-March 1, 2001	Workshop Dates, Salt Lake City, Utah

Workshop Number 3:

Subject: Checklist Item Numbers 2 (combinations), 4, and 6 (to the extent not previously covered), Public Interest (including the Performance Assurance Plan) and Track A

January 19, 2001	Qwest's Direct Testimony
February 23, 2001	Participant Responsive Testimony
March 9, 2001	All Parties Rebuttal Testimony
March 26-30, 2001	Workshop Dates, Des Moines, Iowa